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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/871,661

06/04/2001

Elad Barkan

1312

7590

04/01/2008

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EXAMINER

ADDY, THUAN KNOWLIN

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/871,661	BARKAN, ELAD	
	<b>Examiner</b>	<b>Art Unit</b>	
	THJUAN K. ADDY	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 40-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on May 22, 2007 has been entered. No claims have been amended. Claims 1-39 have been cancelled. No claims have been added. Claims 40-42 are still pending in this application, with claims 40, 41, and 42 being independent.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/22/2007 has been entered.

### ***Drawings***

3. The drawings are objected to because Examiner is not able to clearly read the labeling/letters inside the rectangular boxes shown in Fig. 1, Fig. 2, Fig. 3, Fig. 5, Fig. 6, and Fig. 7 and the unlabeled rectangular boxes shown in Fig. 4 should be provided with descriptive text labels. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The

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figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 40-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al. (US 6,497,599).
5. In regards to claim 40, Johnson discloses a gateway (See Fig. 1A and gateway GPRS support node (GGSN) 36/serving GPRS support node (SGSN 35) to a packet

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based data network (See Fig. 1A and data network 32) (See col. 4 lines 38-46) comprising: a transceiver (See Fig. 1A – 1B, primary transceiver 25, and data traffic transceiver 27) adapted to establish a radio frequency link with a mobile device (See Fig. 1A and Fig. 1B, mobile unit 20) (See col. 3 lines 25-31); an interface (See Fig. 1A and Fig. 1B, data traffic system controller 40) adapted to facilitate data flow between the mobile device and the data network (See col. 4 lines 38-41); a controller (See Fig. 1B and control unit 69) adapted to regulate data flow between the mobile device and the data network based on information stored on a consideration policy database (See Fig. 1B and storage unit 71) functionally associated with the data network (for example, the policy database is not recited as being "located on" or "resides on" the data network/Internet", the claim merely states that the policy database is “functionally **associated with**” the data network) (See col. 4 lines 51-54 and col. 7 lines 38-43).

6. In regards to claim 41, Johnson discloses a communication system (See Fig. 1A and mobile communications system 10) comprising: two or more gateways (See Fig. 1A, gateway GPRS support node (GGSN) 36, and serving GPRS support node (SGSN) 35) functionally associated with a packet based data network (See Fig. 1A and data network 32) (See col. 4 lines 38-46); a transceiver (See Fig. 1A – 1B, primary transceiver 25, and data traffic transceiver 27) adapted to establish a radio frequency link with a mobile device (See Fig. 1A and Fig. 1B, mobile unit 20) (See col. 3 lines 25-31); an interface (See Fig. 1A and Fig. 1B, data traffic system controller 40) adapted to facilitate data flow between the mobile device and the data network (See col. 4 lines 38-41); and a controller (See Fig. 1B and control unit 69) adapted to regulate data flow

between the mobile device and the data network based on information stored on a consideration related policy database (See Fig. 1B and storage unit 71) functionally associated with the data network (for example, the policy database is not recited as being "located on" or "resides on" the data network/Internet", the claim merely states that the policy database is "functionally **associated with**" the data network) (See col. 4 lines 51-54 and col. 7 lines 38-43).

7. In regards to claim 42, Johnson discloses a method of providing data to a mobile device (See Fig. 1A and Fig. 1B, mobile unit 20) (See col. 4 lines 51-54) comprising: establishing a data link between the mobile device and a radio frequency transceiver (See Fig. 1A – 1B, primary transceiver 25, and data traffic transceiver 27) functionally associated with a packet based data network (See Fig. 1A and data network 32) (See col. 3 lines 25-31); regulating data between the mobile device and the packet based data network based on information stored on a consideration related policy database (See Fig. 1B and storage unit 71) functionally associated with the packet based data network (for example, the policy database is not recited as being "located on" or "resides on" the data network/Internet", the claim merely states that the policy database is "functionally **associated with**" the data network) (See col. 4 lines 51-54 and col. 7 lines 38-43).

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 40-42 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/  
Primary Examiner, Art Unit 2614